

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

In re	§	
	§	
EPTMS, INC.,	§	Case No. 17-31729-HCM-11
	§	
Debtor.	§	

**MOTION TO REJECT UNEXPIRED LEASE**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within twenty-one (21) days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely response is necessary for a hearing to be held.**

Now comes the Debtor-in-Possession EPTMS, INC. and through its counsel E.P. BUD KIRK files this Motion to Reject the Unexpired Lease of non-residential real property which it has with BOSQUES INVESTMENTS, INC. for the premises known as 3510 Coors, in Albuquerque, New Mexico, and for cause would show:

1.

Petition date in these Chapter 11 proceedings is October 25, 2017. The Debtor leases a shopping center property at 3510 Coors, Albuquerque, NM from the lessor BOSQUES INVESTMENTS, INC. The lease (hereinafter "the Lease") has not expired.

2.

EPTMS, INC. wishes to reject the Lease because it is burdensome to this estate. EPTMS, INC. has moved out of the store and has no plans to return to the premises.

3.

The Lease has less than a year to run, so the formula for computing a proof of claim, in

11 U.S.C. § 502(b)(6), is not applicable, and a proof of claim, if filed, should be a general unsecured claim for the rent unpaid from petition date to lease-end. *In re Q-Masters, Inc.*, 135 B.R. 157 (Bankr. S.D. Fla. 1991).

WHEREFORE, PREMISES CONSIDERED, EPTMS, INC. prays that the rejection of this Lease be approved. Further Debtor prays for all other relief deserved in the circumstances, general or special, at law or equity.

Respectfully submitted this 7<sup>th</sup> day of November, 2017.

/s/  
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E.P. BUD KIRK  
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Attorney for Debtor-in-Possession

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 7<sup>th</sup> day of November, 2017, I did cause a copy of the foregoing Motion to Reject Unexpired Lease to be mailed or delivered to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to EPTMS, INC., 9813 Dyer, Suite 300, El Paso, TX 79924; to Jay W. Hurst, Assistant Attorney General, Bankruptcy & Collections Division MC 008, P.O. Box 12548, Austin, TX 78711-2548; to Corsicana Mattress, c/o Shad Robinson, 100 N. Ritchie Road, Ste. 200, Waco, TX 76712-8544; to WRI North Towne, LLC, c/o Weingarten Realty Investors, 2600 Citadel Plaza Dr., Ste. 125, Houston, TX 77008; and to Bosques Investments, Inc., c/o Maestas & Ward, P.O. Box 91090, Albuquerque, NM 87190.

/s/   
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E.P. BUD KIRK